

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce A. Fogelson Art Unit: 3688
Serial No.: 09/885,970
Filed: June 21, 2001
For: METHOD AND SYSTEM FOR CREATING ADVERTISING BOOKS
Attorney Docket No.: 80216

DECLARATION OF GERALD W. FOGELSON

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Gerald W. Fogelson, am the father of the named inventor in the above-identified application and make the following statements based upon my own personal knowledge and experience do make this additional DECLARATION as of this date signed hereto below

- (1) I am 75 years old and the founder and Chief Executive Officer of the Fogelson Group of Companies and have been actively involved in the real estate industry since 1955. I have owned and directed companies in Illinois, Indiana, Ohio, New Jersey, Florida, California, Minnesota and Kentucky with more than \$4 Billion of real estate and have been developed by various me or my companies. The Fogelson Group of Companies is very active in land development, condo/hotels and other creative real estate. I was inducted in to the Chicago Real Estate Hall of Fame in 2003.
- (2) I am the Co-Founder of the Chicago School of Real Estate at Roosevelt University with the first endowed Chair for Real Estate in the state of Illinois in my name. I am the recipient of three resolutions by the City of Chicago and nationally recognized as a leader in industry and community.

- (3) I am the author of Central Station: Realizing a Vision; a book on the history and development of a large parcel of Chicago, Illinois. I am well read both for pleasure and for business. My other son, Douglas R. Fogelson is in photography, art and book-publishing business. For these and similar reasons I consider my self to be more than averagely familiar with the publishing business, as compared to a typical lay-person who had never been published, and had no immediate family in the book publishing industry.
- (4) I am a member of the Board of Trustees of Roosevelt University; The Auditorium Theater Board; The Near South Planning Board; The Chicago School of Real Estate and numerous other philanthropic and community organizations.
- (5) As Chairman of Fogelson Companies, Inc., Central Station Development Corporation, Fogelson Properties, Inc. and several other entities all engaged in real estate development and ownership, I establishes policy and leads all entities and am involved in numerous civic and community affairs and have served on other boards for charity or not-for-profit groups over the years.
- (6) I have established and operated my own charitable foundation and or family foundations and have become very familiar with the ordinary practices of both donors and charity groups.
- (7) I have, over many years, including prior to 1999 attended at least 50 and possibly over 100 charitable events which feature some form of program-book or charity ad-book and I am thus very familiar with the term "ad-book" which I take to mean a book of laudable statements for a charity or not-for-profit group.
- (8) My family and I have been successfully involved in the real estate and building industry. My and our success has afforded me and us the privilege of being generous financially and with time, expertise and leadership to political, not-for-profits, charity and faith-based and numerous

other types of organizations in many ways, including but not limited to children's and grand-children's school.

- (9) I and my son Bruce Fogelson, each in our own separate ways, have been members of charitable groups since before 1999 and have been associated with charity Ad-Books as a donor or soliciting group member for some years prior to 1999, as best as I can recall, to as far back as the early 1980s. It is my understanding that an "ad-book" is similar in nature to other such charity books, directories and guide books used for fundraising for local not-for-profit groups parties or associations as a way to help raise money from members and affiliates for the not-for-profit purposes of the group, as opposed to a publication with the sole commercial advertising decisions for such other books, such as coupon-books, or trade journals or such general publications as newspapers.
- (10) I am currently familiar with electronic books but have had no knowledge of or experience with books, such as fiction, novels, text-books or trade books being converted to an electronic format before the year 2003 at the earliest. I have no recollection of any advertisements placed or interlineated in to electronic books in any fashion, including by key-word or topical association. It is my experience that "charity ad-books" are unlike a book or electronic book or novel with advertisements aka ad's inserted into otherwise independent literary or original content such as a novel prose, or other type or magazine, text, reference or entertainment book. And, by contrast to a typical book of literary or other independent content, there is no other literary or material content to what we commonly refer to as a "charity ad-book" or simply "ad-books". The simple and obvious exception is content in a "charity ad-book" which is associated with the charity or not-for-profit group such as a dinner program, stage production, outing, or similar charity event associated with the group and or the group's event or purposes. A "charity ad book" or "ad book" is not, but may

be more aptly called a book of charity messages.

- (11) I would contend that donors to a "charity ad book" have a similar donor's intent to one who would donate money to a contribution building fund of a not-for-profit school, hospital, library or institution to gain the recognition of having their name on in or on the new building on a plaque brick or the major naming rights of naming the entire wing or building after the donor. Obviously, donations to an donation "ad book" are similar, but lesser in scale permanence, prominence and medium.
- (12) My grand children do and did attend the Bernard Zell Anshe Emmet Day School (BZAEDS) located in Chicago Illinois. For many years BZAEDS has raised funds to help send its' 8th grade class for an annual trip to Israel. The BZAEDS 8th grade puts on a live theoretical production featuring the students for the parents, family and friends as a fund-raiser. In conjunction with the presentation, the class uses the stage-bill as an "ad-book" for fundraising purposes. The stage-bill / "ad-book".
- (13) The BZAEDS school charity student fundraiser (BZ Ad Book) was solicited to me by for and among the BZAEDS community of family, namely my children and grand children, for it's not-for-profit purposes. The forms typically used for this BZ Ad Book seem to me to be typical of this type of operation. A samples of these forms are titled "Playbill Ad Book Order Form" for the year 2006. is attached hereto as Exhibit A.
- (14) The BZ Ad Book for 2008 was featured in the school play production of "the 2008 Morton Reisman Eighth Grade Operetta of High School Musical On stage" which played to in the School's Community Hall in March 2008 and represented a typical example of the years of similar productions and accompanying BZ Ad Books. The attached excerpts are a representative sample from the community BZ Ad Book for 2008 attached as Exhibit B. The attached Exhibit B of excerpts from the AZ Ad Book include:

- a. A message to the class of 2008 with heartfelt admiration from the Head of School.
 - b. Greetings and salutations from community leaders and teachers.
 - c. Page 32 listing of the 51 years of music-theatre which represent the history of this type of event, each one of which would most likely have featured a "charity ad book" with or as a part of its' show program for the event.
 - d. Page 33 began "showstoppers" which preceded the to list the student-cast of the musical production for the benefit of the group, family and friends. These cast-members where, in effect, the honorees of this charity ad-book and also the beneficiaries, since the purpose of the event was to raise money for the school trip.
 - e. Pages #72 and #73 paid for by me
- (15) In Exhibit B, the double-page "ad" featured on page 72 and 73 were dedicated to Mitch Fogelson, son of Bruce A. Fogelson (the inventor/applicant) by me, Gerald (Grandpa), and Georgia (Grandma) Fogelson, parents of Bruce and grand parents of Mitch who was featured in the 2008 stage production to raise funds for a school trip to Israel and featured a photo of Gerald, Mitch and Georgia Fogelson. There was no commercial intent in this "ad" and the ad was placed strictly as a statement of support for the group and its members, including Mitch, who was a member. The double full-page ad featured prominently in the BZ Ad Book and toward the front due to it's greater expense.
- (16) I am a member of the board of directors of the Roosevelt University Chicago School of Real Estate which is a graduate school located in Chicago Illinois. The School and the University are not-for-profit educational institutions and regularly seek to raise charitable donations. The School has, for many years held an annual Gala dinner featuring awards, a key-note speaker and an honoree. As an active member of the local Chicago social philanthropic and professional

community I can attest that this is type of "Gala" or "Annual Dinner" is typical of similar charitable events including the fact that it features a "charity ad book" in this case called a "program book". The Program book serves the multiple purposes including promoting donations to the group and self-recognition as a donor among peers (as opposed to commercial soliciting of business from the general public or within commercial trade-magazines which have general circulation beyond just those attending the event).

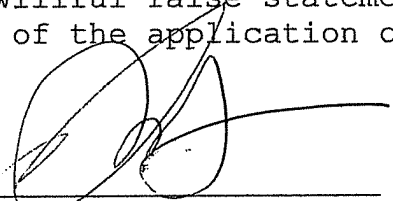
- (17) A sample of the typical Roosevelt University Chicago School of Real Estate Gala 2004 Program Book Ad Contract is attached hereto as Exhibit C.
- (18) The Program Book Ad Contract stipulates that "The full amount of your contribution is tax deductible. This statement is added in this not-for-profit instance since no matter the intent of an Advertisement, "ad" or message, the group itself is a not-for-profit and thus the commercial intent is irrelevant if the full ad can be deducted for charitable purposes. The statement is also relevant since the Program Book is not a general publication and reaches only those members of the group which are already donating to the event by attending and thus already members or affiliates, there is no commercial publication and thus no real value in relation to their cost or for any of the ads as compared to a commercial publication in a general or trade publication.
- (19) An example such as the Roosevelt University "Program Book" or of a "charity ad book" such as the stage-bill like "ad book" which was for any one of the BZAEDS school plays start with the core-content of their "ads" or messages of support. These "ad-messages" and such "ad-books" do NOT start with a book or novel, and then add or insert ad's into the narrative or content, but start with solicitations and, taken together, are organized in order of their fund-raising purpose or priority and combined to comprise an book of such "ad" like laudable statements.

(20) I can attest that the majority, if not the vast majority of "ads" in the "ad-books" I am familiar with seem to me to be by people and companies or anonymously who placed these ads in the ad-book with the knowing intent that the "ads" or messages were for not-for-profit, charity or political purposes and that these donor/advertisers were not solicited from the general public, but were members, sponsors or supporters of the group or groups members or affiliates who were solicited from the group.


(21) I believe my son, Bruce A. Fogelson, to have and always have had an active unique independent thinking mind with a capacity and even propensity to divine novel, new and unique solutions or inventions and that his claims as expressed to me and embodied in the pending patent for the "charity ad book" or METHOD AND SYSTEM FOR CREATING ADVERTISING BOOKS is well within his faculty, experience and tendency to arrive at independently and invent and pursue and, though I was, prior to 2000 active in charity and community in many ways, I have no independent recollection of any such idea prior to 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

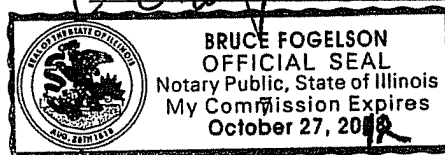
Date: March 15, 2009


Gerald W. Fogelson

The above signed Gerald W. Fogelson
is known to me:

Notary Public: 

Date: 3.15. 2009



#519621

Exhibit A

A

The Eighth Grade Class of Bernard Zell Anshe Emet Day School 2006 Morton Reisman Operetta – *Oliver!*

PLAYBILL - AD BOOK ORDER FORM

Ad Size	Approximate Print Area	Price
Business Card	Standard Size	\$75
¼ page	4½" x 1¾" (Horizontal)	\$75
¼ page	2⅛" x 3⅝" (Vertical)	\$75
Half page	4½" x 3⅝"	\$125
Full page	4½" x 7½"	\$250
Special Full Page GLOSSY	4½" x 7½"	\$500
Special Two-Page Spread GLOSSY	9" x 7½"	\$850
Inside Front Cover *	4½" x 7½"	\$1,500
Inside Back Cover *	4½" x 7½"	\$1,500
Outside Back Cover - COLOR GLOSSY*	4½" x 7½"	\$3000

*Based on availability

**Playbill - Ad Book is 8 ½"H x 5 ½"W with BLACK & WHITE pages. Use one order form per ad.
Make checks payable to: BZAEDS.**

DEADLINE FOR AD SPACE AND MATERIALS IS FRIDAY, FEBRUARY 10, 2006 -- THANK YOU!!!

Size of Ad Full Page 4 ½ x 7 ½ Amount Enclosed \$ \$250.00 Check # _____

☐ Ad design/copy enclosed or ☐ Please design my ad using attached information
email to Earthmomma2@comcast.net or Sharidavis1@comcast.net

Remember to include your ad copy/layout, business card, or photo -- or ask our design team to produce your ad.

Give one copy to the advertiser. Submit one copy with check.

Ad solicited by (please print) Bruce Fogelson Phone # 773-528-9077 x 5

AD FOR: Name Fogelson Family & Company Paramount Homes

Address 2731 N. Lincoln Ave. Chicago, IL 60614

City _____ State _____ Zip Code _____

Telephone 773-528-9077 Fax 773-528-8848 Email: Bruce@ParamountHomes.com or LoriFogelson@aol.com

Questions? Contact Shari Davis at 773.539.5422, Sharidavis1@comcast.net

Forward materials and payment to:
Operetta PLAYBILL 2006 – c/o BZAEDS
3751 North Broadway
Chicago, IL 60613

or

Drop in box on Kim Houston's desk
Operetta PLAYBILL 2006
School main lobby
(extra copies of this form are there, too!)

DEADLINE FOR AD SPACE AND MATERIALS IS FRIDAY, FEBRUARY 10, 2006 -- THANK YOU!!!

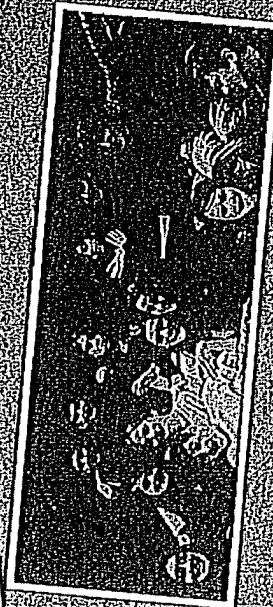
Exhibit B

B

EAST HIGH SCHOOL

SAMPLE

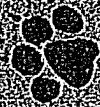
*Sophomores Kill
The School*



2008



Go Wildcats!



HIP HOP HOORAY!

(Back Cover)

BZAEDS ON BROADWAY PRESENTS

The 2008 Norton Kesman Eighth Grade Operetta

AD BOOK **Disney**

HIGH SCHOOL MUSICAL

ON STAGE!

★ ★ (Front Cover) ★



Saturday, March 29, 2008 8:30pm
Sunday, March 30, 2008 2:30pm
BLUM COMMUNITY HALL



Richard Zell Asher Emert Day School Operetta Playbill 2008

Dear Bernard Zell Anshe Emet Day School Class of 2008:

Can you believe you've arrived on stage for your Operetta performances? Never before have 42 eighth graders starred in this beloved Day School tradition. Bravo for an incredible production! The Day School staff and our entire community join me in applauding your success in *High School Musical* as well as in celebrating your accomplishments as individuals, as scholars, and as a class.

This operetta highlights important lessons: supporting one another, working together, avoiding pre-judgment and overcoming preconceived expectations – all lessons that speak to our school's theme for the year, *Hakarat Ha Tov* – Recognizing the Good. This musical helps remind us of the importance of doing just that – recognizing and acknowledging the good around us every day, something in which your class excels.

In my first year as Head, I remember meeting all of you as you began your Middle School journey on the third floor. Your joyous leadership has filled the entire school with vibrant energy and pride, and *We're All In This Together* exemplifies the spirit of your class. Moreover, each and every one of you represents the tremendous value of a Day School education. You have accomplished remarkable things together and are on the precipice of bigger, more exciting, wonderful successes as you move forward to your next big adventure.

On behalf of the Bernard Zell Anshe Emet Day School community, congratulations and warmest wishes on your upcoming *Tiyul* to Israel.

With heartfelt admiration,

Alyson Horwitz

Dr. Alyson Horwitz
Head of School

Shalom Class of 2008,

What a year you are having together! Watching you prepare for the Operetta has been a treat! I don't want to rely on what is becoming a somewhat overused line from your great song – *Together* – so I'll translate it into Hebrew.

"*Yachad*" – you have done it all *b'yachad*. *B'yachad*, you learned your lines. *B'yachad*, you practiced your scenes. *B'yachad*, you sang, danced, laughed and worked hard through your many hours of rehearsals. I am sure that you know the wonderful Israeli song that previous Day School classes have sung at graduation: *Yachad lev el lev* – together, heart to heart. This is how I think of you – heart to heart.

Enjoy your magical *High School Musical* with all your heart as you celebrate this last phase of an amazing middle school year.

Before you know it, we'll be heading off to Israel *b'yachad*. I can't wait! Until then I wish you *hatzlacha rabba!*

Kol Tuv –

Geveret Garfinkel

Dear Families and Friends,

In this year of *Hakarat Ha Tov*, I want to voice my appreciation for the positive energy that this Bernard Zell Anshe Emet Day School Class of 2008 brings to this year's operetta. From the first auditions, the students couldn't wait to make this operetta the best ever – and they have!

Hours of rehearsals alongside homework, term paper, and the *Mifgash*, were packed with the drive for excellence. Their generosity of spirit is an incredibly powerful influence on our younger students in the Middle School.

Hats off to you – Class of 2008! Each of you has worked tirelessly to make the show a success and an unforgettable memory for years to come. You understand what *We're All In This Together* really means!

Fondly,

Mrs. Zimbler

Sample AD Book 2 - BZAEDS - '08 3

MORTON REISMAN EIGHTH GRADE OPERETTA

Fifty-One Years of A Musical Theatre Tradition

1957-2008

In 1957, the first three-act operetta was presented, by the fifth grade. From 1958 to the present, the eighth grade classes have starred in the Operetta with the seventh grade in supporting roles during some years.

Year	Title	Director
1957	Hansel & Gretel (Engelbert Humperdinck)	Morton Reisman
1958	The Magic Flute (Mozart)	Morton Reisman
1959	H.M.S. Pinafore (Gilbert & Sullivan)	Morton Reisman
1960	Masquerade in Vienna (adapted Johann Strauss)	Morton Reisman
1961	The Hither and Thither of Danny Dither (Alex North)	Morton Reisman
1962	Robin Hood (De Koven)	Morton Reisman
1963	H.M.S. Pinafore (Gilbert & Sullivan)	Morton Reisman
1964	The Adventures of Tom Sawyer (R. Gibson)	Morton Reisman
1965	Rip Van Winkle (C. Fiore & N. Flagello)	Morton Reisman
1966	The Mikado (Gilbert & Sullivan)	Morton Reisman
1967	The Magic Flute (Mozart)	Morton Reisman
1968	The Seven Golden Buttons (Ira & Judith Eisenstein)	Brina Rodin
1969	Danny Angel in Mission Incredible (Alex North)	Brina Rodin
1970	To Wake a King (Harry Coopersmith)	Dorothy Meyers
1971	The King & I (Rodgers & Hammerstein)	Dorothy Meyers
1972	South Pacific (Rodgers & Hammerstein)	Dorothy Meyers
1973	Fiddler on the Roof (Jerry Bock)	Dorothy Meyers
1974	The Mikado (Gilbert & Sullivan)	Fred Nathan
1975	Oliver! (Lionel Bart)	Daniel Kahn
1976	To Be Free (Daniel Kahn)	Tom Mula
1977	The Sound of Music (Rodgers & Hammerstein)	Deborah Martello
1978	Annie Get Your Gun (Irving Berlin)	Marvin Richardson
1979	Oklahoma! (Rodgers & Hammerstein)	Pearl & Sullie Harand
1980	Brigadoon (Frederick Loewe)	Pearl & Sullie Harand
1981	My Fair Wizard of Oz (Arlen & Stoltart)	Pearl & Sullie Harand
1982	Fiorello (Jerry Bock)	Pearl & Sullie Harand
1983	Of Thee We Sing (Gershwin)	Pearl & Sullie Harand
1984	Guys & Dolls (Frank Loesser)	Pearl & Sullie Harand
1985	South Pacific (Rodgers & Hammerstein)	Pearl & Sullie Harand
1986	The King & I (Rodgers & Hammerstein)	Pearl & Sullie Harand
1987	Pippin (Stephen Schwartz)	Pearl & Sullie Harand
1988	The Music Man (Meredith Wilson)	Dorothy Meyers
1989	The Wiz (Charlie Smalls)	Robb Zelony
1990	Once Upon a Mattress (Mary Rodgers)	Robb Zelony
1991	West Side Story (Leonard Bernstein & Stephen Sondheim)	Leeza Watstein
1992	Grease (Jim Jacobs and Warren Casey)	Jeff Dudek
1993	Oliver! (Lionel Bart)	Jeff Dudek & Andrea Toshir
1994	Bye Bye Birdie (Michael Stewart)	Manon Spadaro
1995	Guys & Dolls (Frank Loesser)	Manon Spadaro
1996	Fiddler on the Roof (Jerry Bock)	David B. Cohen
1997	The Music Man (Meredith Wilson)	David B. Cohen
1998	The King & I (Rodgers & Hammerstein)	Mary Launder
1999	West Side Story (Leonard Bernstein & Stephen Sondheim)	Mary Launder
2000	Into The Woods (James Lapine & Stephen Sondheim)	Reece Livingstone
2001	Pippin (Stephen Schwartz)	Reece Livingstone
2002	Flower Drum Song (Rodgers & Hammerstein)	Reece Livingstone
2003	Kiss Me, Kate (Cole Porter)	Reece Livingstone
2004	The Mikado (Gilbert & Sullivan)	Reece Livingstone
2005	Annie Get Your Gun (Irving Berlin)	Abigail Leigh Huss
2006	Oliver! (Lionel Bart)	Abigail Leigh Huss
2007	The Wizard of Oz (Harold Arlen, E.Y. Harburg)	Abigail Leigh Huss
2008	High School Musical (Simpatico, Louisjelle, Gerrard, Nevil, Cham, Cham, Seelby, Peterson, Quinn, Dodd, Waits, Lawrence, Greenberg, Houston, Barsocchini)	Abigail Leigh Huss

SHOWSTOPPERS

Sample A.D. Book

Mazel Tov Mitch!

Have fun celebrating
Israel's 60th Birthday
with your friends and teachers.

We Love You,

Grandma & Grandpa Fogelson

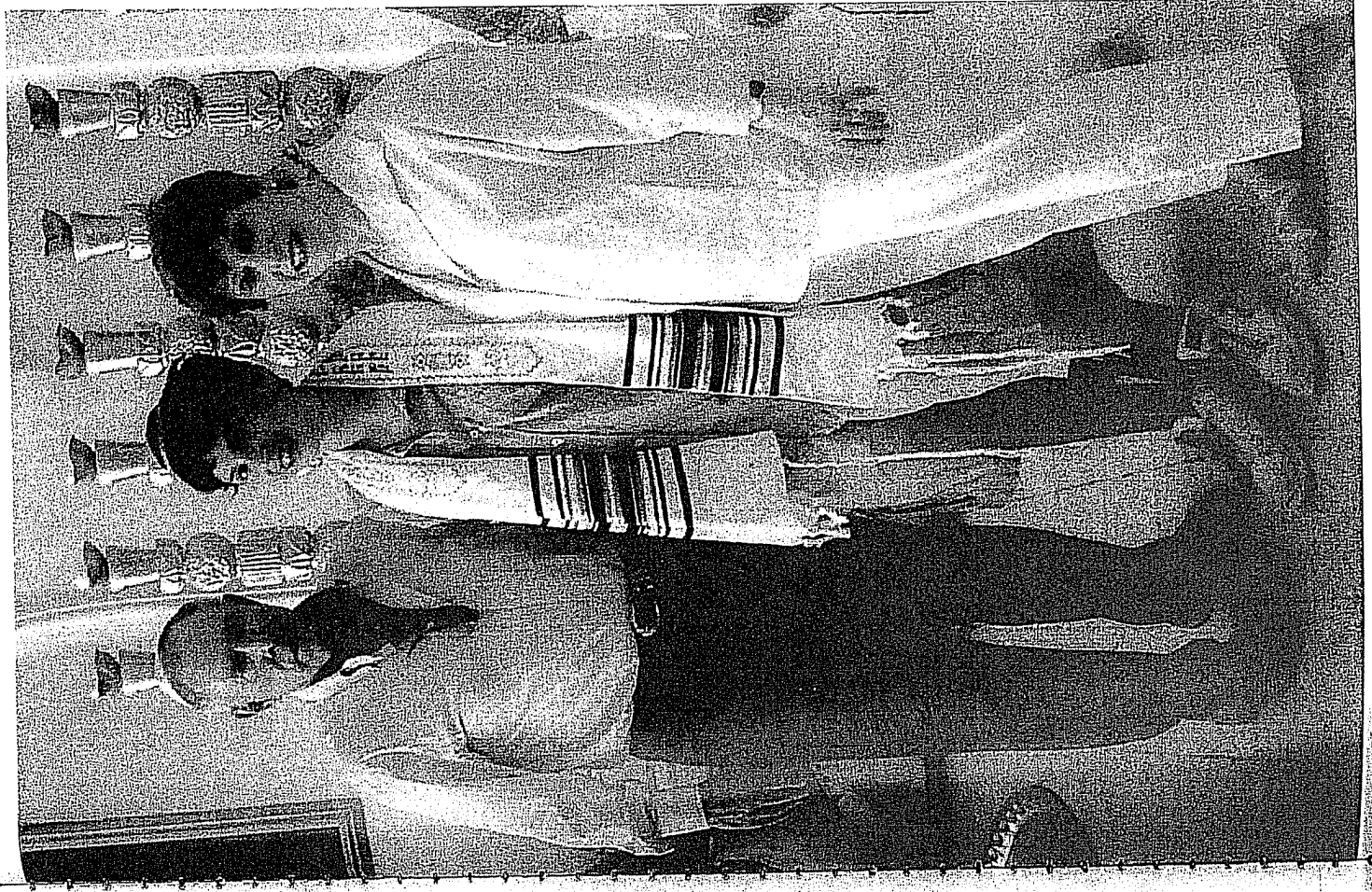


Exhibit C

C

Roosevelt University Chicago School of Real Estate

Gala October 21, 2004

Program Ad Form

On October 21, more than 700 real estate industry professionals will gather to honor Marshall Bennett, Marshall Bennett Enterprises, and celebrate the Chicago School of Real Estate.

Keynote Speaker: Henry G. Cisneros, former Secretary of Housing and Urban Development
Honoree: Marshall Bennett, Marshall Bennett Enterprises

PROGRAM BOOK AD CONTRACT DEADLINE: SEPTEMBER 16, 2004

Full Page: \$5,000 -. \$10,000

Half Page: \$2,500 - \$4,999

Quarter Page: \$1,250 - \$2,499

Company Name: _____

Contact Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

I hereby authorize Roosevelt University to insert my ad in the Chicago School of Real Estate Program Book.

Authorized signature: _____

AD SPECS

Full Page: 5 x 7.5 vertical Half Page: 5 x 3.687 horizontal Quarter Page: 2.437 x 3.687 vertical

- All ads are in black and white.
- TIFF or EPS Files 300 DPI
- Include all fonts and images.
- Email files to: heather@harringtondesign.biz
- Art must be received by: October 1, 2004 NO EXCEPTIONS

PAYMENT

Make check payable to Roosevelt University. The full amount of your contribution is tax deductible.
Please retain a copy for your records.

Check is enclosed for: _____ Please charge: ____ Visa ____ MasterCard ____ Discover

Amount \$ _____ Account number: _____ Expiration Date _____

Signature: _____

Please send checks to:

Schindler Communications, Inc.
Special Events Department
500 N. Clark Suite 300
Chicago, IL 60610

Phone: 312.464.9660

Fax: 312.464.9786

Email: events@schindlercommunications.com